

HIS TABERNACLE FAMILY CHURCH, INC.) **Case No.:**
and MICHEAL SPENCER,)
)
Plaintiffs,)
)
v.)
)
STEVEN A. NIGRELLI, in his official capacity as)
Acting Superintendent of the New York State)
Police; WEEDEN A. WETMORE, in his official)
capacity as District Attorney for the County of)
Chemung, New York; and MATTHEW VAN)
HOUTEN, in his official capacity as District)
Attorney for the County of Tompkins, New York,)
)
Defendants.)
)

Pursuant to 28 U.S.C. § 1746, I hereby declare as follows:

1. I am over the age of 18 and competent to make this Declaration.
2. I am the senior pastor, president, and CEO of His Tabernacle Family Church, Inc. (“the Church”), a nondenominational Christian church with campuses in Horseheads and Ithaca, New York, and another campus in Mansfield, Pennsylvania.
3. The Church is registered with the State of New York as a non-profit, charitable corporation. The Horseheads campus serves as the Church’s main campus.
4. I founded the Church in February 1998. Since then, I have shepherded its growing congregation through immense growth and changes. The Church began meeting at a Holiday Inn

in Horseheads, New York, but soon moved to a small commercial location, and then to a series of progressively larger buildings as the congregation continued to grow.

5. Today, the Church ministers to over 1,100 people.

6. The Church's campuses comprise properties and buildings that are owned or leased by the Church.

7. As senior pastor, president, and CEO of the Church, I have the authority to determine which personal items members and visitors may bring with them onto the Church's premises.

8. I have held a New York license to have and carry concealed a pistol or revolver ("New York carry license") since the 1990s. My current New York carry license was issued on October 21, 1996, and it is current and valid. *See Exhibit A.*

9. I also hold a Pennsylvania carry license that is current and valid. *See Exhibit B.*

10. In the past, I have held a Utah carry license, and I intend to renew it in the future.

11. To obtain my carry licenses, I completed all the regulatory requirements that the licensing jurisdictions required as a condition of obtaining the carry licenses.

12. I own several pistols. All of them are registered in accordance with New York law.

13. I am proficient in the safe and effective use of firearms. I have competed with a pistol as a novice in competitions governed by the rules and scoring standards of the International Defensive Pistol Association.

14. Before New York enacted and began enforcing Senate Bill S51001 ("the church carry ban"), I regularly carried a concealed pistol on the Church's New York campuses while in possession of my New York carry license. I also have carried a concealed pistol on the Church's Pennsylvania campus while in possession of my Pennsylvania carry license.

15. Both of the Church's New York campuses have teams of church members who volunteer to oversee church security. On a volunteer basis, these members have performed many tasks, from helping a woman giving birth into an ambulance to keeping watch for suspicious activities during services.

16. The Church allows all security volunteers to annually complete training that is conducted by the Advanced Law Enforcement Rapid Response Training organization ("ALERRT"). Specifically, the Church allows security volunteers to annually complete ALERRT's Civilian Response to Active Shooter Events ("CRASE") and Stop the Bleeding training course. The course is taught by a certified ALERRT instructor.

17. In addition, many security volunteers have completed training for cardiopulmonary resuscitation ("CPR") and automated external defibrillator ("AED") usage.

18. In addition, the Church has new security volunteers complete a training program on the Church's policies and procedures, fire evacuation plan, lockdown plans, and child safety rules. The Church then periodically has volunteers complete follow-up training to ensure they understand the Church's current policies and procedures, as those policies and procedures may periodically be amended and updated throughout the year.

19. Security volunteers have included members with formal law enforcement and military training, such as a former U.S. Navy SEAL, a former U.S. Marine, a woman who has provided armed security for foreign dignitaries, current law enforcement officers, and a former chief of police and state judge.

20. Security volunteers also have included members with no formal law enforcement or military training.

21. Many of the Church's security volunteers have New York carry licenses.

22. I believe that I have a moral and religious duty to take reasonable measures to protect the safety of those who enter the Church. The Bible often refers to religious leaders as “shepherds” and tasks them with caring for and protecting their “flocks.” *See, e.g.,* Ezekiel 34:1–10; Isaiah 40:11; Matthew 9:36; John 21:15–17; 1 Peter 5:2–3; Acts 20:28; Hebrews 13:17. I therefore believe that providing for the physical safety of the Church—the Body of Christ—is my religious act and duty as a pastor. *See* Romans 12:5; 1 Corinthians 12:27; Ephesians 4:15–16; Colossians 1:18. These religious beliefs are shared by the Church.

23. I also believe that the Bible calls on the Church—as members of a single family united in Jesus Christ—to love, serve, and protect one another. *See, e.g.,* Genesis 9:5–6; Psalm 82:3–4; Proverbs 24:11; John 13:34–35; Romans 12:10; Philippians 2:4; Galatians 6:2; Ephesians 2:19; 1 Peter 4:10. This religious belief is shared by the Church.

24. Consistent with, and as an application of, these religious beliefs, before the church carry ban went into effect, I regularly carried a concealed pistol on the Church’s New York campuses while in possession of my New York carry license, and I allowed security volunteers and other churchgoers with New York carry licenses to carry their own concealed firearms. Many of them chose to do so. I carried, and allowed others to carry, concealed firearms at church to ensure protection of the Church and its worshippers in case of violent confrontation.

25. For security volunteers wishing to carry their firearms while volunteering at the Church, the Church encourages them to complete the FBI basic pistol qualification course.

26. Since New York enacted and began enforcing its church carry ban, I have expected the Church’s security volunteers to comply with the law, and I have stopped carrying my pistol onto the Church’s New York campuses.

27. I often carry a concealed pistol on the Church's Pennsylvania campus while in possession of my Pennsylvania carry license, and I allow appropriately licensed churchgoers to carry their own concealed firearms on the Church's Pennsylvania campus as well, subject to the same policies described above.

28. I know numerous other church members who hold New York carry licenses and who would like to carry firearms on the Church's New York campuses as a means of self-defense.

29. I desire to carry my concealed pistol, and I desire to allow others to carry their concealed firearms, on the Church's New York campuses because I believe that such concealed carry will protect me and other worshippers from the kind of violence that other houses of worship across the country have suffered, and because such concealed carry effectuates our religious beliefs—set forth above—that we must protect the physical safety of the flock.

30. I believe that someone planning to harm or kill my flock will not be deterred by New York's church carry ban, and may in fact be emboldened by the ban because it leaves our Church defenseless against those bent on doing violence to people of faith.

31. But for the enactment and enforcement of New York's church carry ban, I would carry on the Church's New York campuses a concealed pistol that New York law otherwise generally allows me to possess and carry, and I would permit other licensed churchgoers to do the same, subject to the policies described above.

32. My concerns for the Church's physical security are well-founded and are based not just on violent episodes that have occurred at other houses of worship across the country, but also on threats that have been directed toward me and my Church in particular.

33. Because the Church televises its services and is, to my knowledge, the largest Protestant church in Chemung County, I and the Church are very well-known.

34. I regularly receive suspicious and threatening mail, and I have received at least two death threats that prompted law enforcement involvement.

35. After the Church hosted a conference in July 2020, I received on Facebook messenger the following threat, in reference to me and my late wife: "I hope someone executes you both. . . . [You] should be treated exactly like they were at Waco you [expletive] moron[.] . . . I have a .45 and I think if I shot that off a time or two you'd get the hint or you wouldn't and either way we wouldn't have to deal with you anymore[.]" *See* Exhibit C. Law enforcement was informed of the threats, and I understand that law enforcement interviewed the person who made them.

36. In March of 2021, one of my neighbors began attending the Church. During an in-person meeting, he said to me, "Pastor Spencer, I want to apologize to you for having thoughts of hurting you." Because of this statement, and because of other odd behavior, security volunteers began to closely watch this individual during services, during which time he often carried a fixed-blade knife on his right hip. During my sermons, security volunteers overheard him saying things like, "I'm going to hurt you," "I'm going to poison you," and "I'm going to stab you." The volunteers understood these threats to be directed against me. In addition, several members of the congregation also notified me that they had received from this individual several odd messages about me.

37. Safety concerns about this neighbor came to a head one Sunday after the service ended, when the neighbor shouted threats and began shooting on his property across the street from my house. Throughout the episode, I was present at my residence with my late wife, our sons and daughters-in-law, our daughter and son-in-law, and our grandchildren. The neighbor yelled expletives and threats at us and then discharged his firearm at least twice. My late wife and

I heard the gunshots. My late wife rushed with the grandchildren back into our house. I then called 911 to inform the operator about these events, and law enforcement responded. The two responding officers were members of the New York State Police. One of them asked me whether I had a weapon, and when I informed her that I had a loaded firearm and that I had cameras on the property, she replied that keeping a firearm and cameras was “smart.”

38. The Church has experienced several other security threats, including multiple occasions of burglary and vandalism.

39. Of particular concern to me are the safety and security of our children’s ministry. Most Sundays, the Church hosts between 100 and 160 children. Before enactment and enforcement of New York’s church carry ban, on Sundays, the Church typically had at least one lawfully armed member keeping watch over the children’s ministry.

40. I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 3rd day of November, 2022.



Micheal Spencer

EXHIBIT A

Date Issued:

W- [redacted]

Date 10/21/96



Form P-3 Williamson Law Book Co., Victor, N.Y.

Oct. 1, 2010

STATE OF NEW YORK

County of Schuyler

A FIREARMS LICENSE IS HEREBY GRANTED

to Michael J. Spencer

of [redacted]

NY [redacted] Cit USA

DOB [redacted] HT [redacted] Eyes [redacted]

For The Purpose Of: Carry

Judge [redacted] County Court

[Signature]

EXHIBIT B

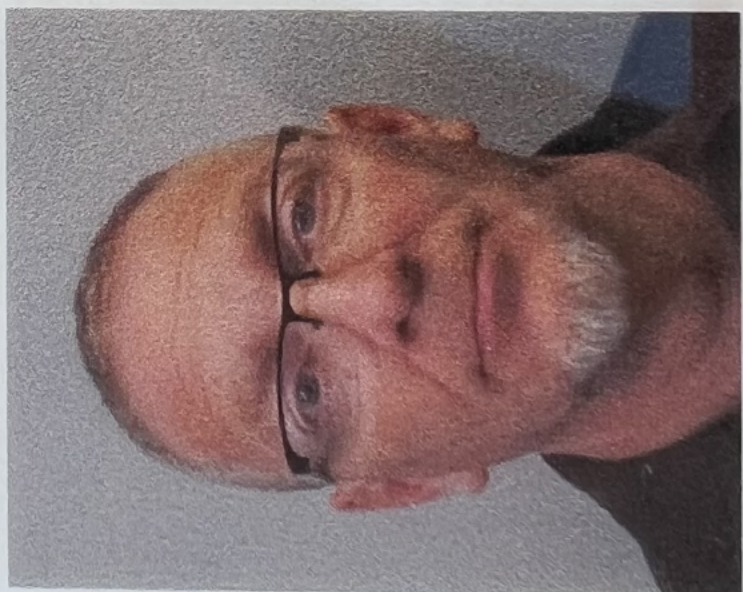
SP [REDACTED] PENNSYLVANIA LICENSE TO CARRY FIREARMS

☒ NEW ☐ RENEW
☐ DUPL / CORRECTION

NO. [REDACTED]

NAME(LAST) (FIRST) (MIDDLE) (JR.,ETC.)
SPENCER, MICHEAL J

2. ADDRESS
[REDACTED]



3. Point Of Contact Phone Number [REDACTED] (FOR LAW ENFORCEMENT USE ONLY)			4. DATE ISSUED 10/26/2022		5. DATE EXPIRES 10/26/2027	
6. REASON TO CARRY Self Defense		7. DOB [REDACTED]	8. HGT [REDACTED]	9. WGT [REDACTED]	10. EYES [REDACTED]	
11. HAIR [REDACTED]	12. SEX M	13. RACE [REDACTED]	14. U.S. CITIZEN Y		15. COUNTRY OF CITIZENSHIP US	
16. IMMIGRATION ID NO. (IF APP)			17. SIGNATURE OF LICENSEE <i>[Signature]</i>			
18. SIG OF ISSUING AUTHORITY <i>[Signature]</i>			19. SHERIFF OR CHIEF OF POLICE OF Tioga			

EXHIBIT C

12:52

LTE



I hope someone executes you both.

God creates people you should hate? Doesn't make sense to me. If god is so good why did he create so many people wrong. He makes that many mistakes? And it's your job to fix them?

You're a cult leader

And should be treated exactly like they were at Waco you fucking moron

Following gods word that you make up and twist around to sound good to you just because you're lost in life and can't find your own way.

We can help you ya know.



Aa



12:53

LTE 



your own way.

We can help you ya know.

I have a .45 and I think if I shot that off a time or two you'd get the hint or you wouldn't and either way we wouldn't have to deal with you anymore 😂😂😂



I'm transgender by the way so the worst of the worst 😂😂😂

You wanna convert people so bad when can we convert you from an idiot to an upstanding citizen



You tried to convert my friend years ago. He's gay as gay could be so thank you for doing gods work



Aa

